



THE CITY OF SAN DIEGO

Redevelopment Agency's Report

DATE ISSUED: June 4, 2003 REPORT NO. RA-03-16

ATTENTION: Honorable Chair and Members of the Redevelopment Agency
Docket of June 10, 2003

SUBJECT: First Amendment to Agreement with Foley & Lardner

SUMMARY

Issue – Should the Redevelopment Agency authorize the Executive Director, or designee, to approve the First Amendment to Agreement with Foley & Lardner to provide special legal counsel to advise and represent the Agency in the area of environmental liability?

Executive Director's Recommendation – That the Redevelopment Agency authorize the Executive Director, or designee, to approve the First Amendment to Agreement with Foley & Lardner to provide special legal counsel to advise and represent the Agency in the area of environmental liability.

Other Recommendation(s) – None

Fiscal Impact – \$685,000 is available and/or is being programmed in the Ballpark, Parking, Ancillary, East Village Redevelopment District and the Marina Sub Area FY 2003 and FY 2004 Budgets for legal services.

\$105,000 is available within budgeted levels of the various project areas within the City's Redevelopment program. The additional \$95,000 is contingent upon the Auditor first certifying that funds are available for this purpose.

BACKGROUND

On November 29, 2001, the Redevelopment Agency ("Agency") entered into an Agreement with Foley & Lardner to provide special legal counsel services to the Agency in the area of environmental and/or hazardous substances liability. Chief among the services Foley & Lardner provide is assistance with implementation of the Polanco Redevelopment Act and instituting cost recovery, including litigation when necessary, for environmental remediation.

DISCUSSION

The Agreement limited the services of Foley & Lardner to the Centre City Redevelopment Project Area. The Agency wishes to expand the services of Foley & Lardner to other redevelopment project areas and to increase the total amount of compensation. The Amendment to the Agreement provides for Foley & Lardner, acting through the City Attorney, to assist the Agency by providing services to the Centre City, Horton Plaza, Barrio Logan, College Community, College Grove, City Heights, North Bay, North Park, Naval Training Center, San Ysidro and Crossroads Redevelopment Project Areas. The maximum compensation for the legal services under the First Amended Agreement shall not exceed \$1,505,000. This represents a \$905,000 increase over the original Agreement.

Respectfully submitted,

Todd Hooks
Deputy Executive Director,
Redevelopment Agency

Hank Cunningham
Assistant Executive Director,
Redevelopment Agency

Attachment: 1. First Amendment to Agreement with Foley & Lardner